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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,156	06/08/2001	Gunter A. Gallas	034806-5016	6713
7590	03/09/2004		EXAMINER	
JOSHUA S. BROITMAN OSTRAGER CHONG & FLAHERTY LLP 825 THIRD AVENUE NEW YORK, NY 10022-7519			BENENSON, BORIS	
			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/876,156	LEOPOLD ET AL. <i>pw</i>
	<b>Examiner</b>	<b>Art Unit</b>
	Boris Benenson	2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 February 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3,5-11,14,16-24 and 26-40 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 8-11,14,16-24 and 26-40 is/are allowed.
- 6) Claim(s) 1,3,6 and 7 is/are rejected.
- 7) Claim(s) 2 and 5 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 June 2001 and 03 November 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

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***Examiner's Amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In Claim 26 replace "The electric circuit interrupter of claim 25" with -The electric circuit interrupter of claim 21-

Authorization for this examiner's amendment was given in a telephone interview with attorney Glenn Ostrager (29963) on 2/18/2004.

***Detailed Actions***

2. Amendment received on 2/05/2004 in response to Final Office Action mailed on 12/26/2005 is entered. Claims 8,16, 21 and 29 are amended. Claims 15 and 25 are cancelled.

3. Finality of previous Office Action is withdrawn.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1,3,6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biegelmeier (5,371,646) in view of DiSalvo (6,040,967). Biegelmeier discloses a ground fault circuit interrupter that has a "housing having terminals for supply mains" (Col.1, Lines 7-8), a "voltage-dependent electronic circuit used for detecting the fault current signal" (Col.3, Lines 33-34). The interrupter opens circuit (Fig.1, Pos.8) between a supply terminals and a load upon detecting a ground fault by secondary coil of summary transformer (2). Interrupter includes a bistable transformer relay (4) with contact (5) that controls trigger (1) to actuate switch lock (6). Biegelmeier does not disclose a relay configured such that state of the relay can be changed when the electric circuit interrupter is operational and the state of the relay cannot be changed when the electric circuit interrupter is not operational. DiSalvo teaches a reset lockout for interrupting device. Resettable circuit interrupting devices, such as GFCI devices, that include a reset lock-out mechanism are provided.

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"The reset lock-out mechanism prevents the resetting of electrical connections between input and output conductors if the circuit interrupting mechanism used to break the connection is non-operational or if an open neutral condition exists" (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a ground fault circuit interrupter of Biegelmeier and include a reset lock-out mechanism of DiSalvo, because it will prevent from connecting a power source to a load without the ground fault protection available until malfunction of the interrupter is corrected.

***Allowable Subject Matter***

5. Claims 8-11, 14, 16-24 and 26-40 are allowed.
6. Claims 2 and 5 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**The following is an examiner's statement of reasons for allowance:**

7. Independent Claims 8, 21, 29 and 36 are allowable because none of the prior art of record disclose a circuit interrupter that upon detection of the simulated ground fault (detection circuit is operational) change its state to open when previously

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first circuit was in close state or change its state to close when previously first circuit was in open state in combination with the other claim limitations.

8. Claims 9-11, 14, 16-20, 22-24, 26-28, 30-35 and 37-40 are dependent on allowable Claims 8, 21, 29 and 36 and therefore allowable.

9. Claim 2 would be allowable because none of the prior art of record disclose a circuit interrupter that upon detection of the simulated ground fault (detection circuit is operational) change its state to close when previously was in open state in combination with the other claim limitations.

10. Claim 5 is dependent on Claim 2 and would be allowable if Claim 2 is allowed.

#### **Contact information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Benenson whose telephone number is (571) 272-2048. The examiner can normally be reached on M-F (8:20-6:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571) 272-2800 x 36. The fax phone number for the

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organization where this application or proceeding is assigned is  
(703) 872-9306.

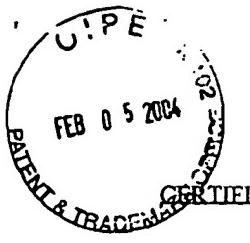
Any inquiry of a general nature or relating to the status  
of this application or proceeding should be directed to the  
receptionist whose telephone number is (703) 308-0956.

Boris Benenson  
Examiner  
Art Unit 2836

B.B.



BRIAN SIRCUS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

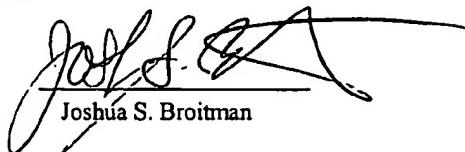


CWD-5016

CERTIFICATE OF MAILING

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

February 3, 2004  
Date



Joshua S. Broitman

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants :	Gunter A. Gallas et al.	Group Art Unit:	6713
Serial No. :	09/876,156	Examiner:	BENENSON, Boris
Filed :	June 8, 2001		
Title :	<b>GROUND FAULT CIRCUIT INTERRUPTER WITH FUNCTIONALITY FOR RESET</b>		

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Commissioner for Patents  
P.O. Box 1450  
Alexandra, VA 22313-1450

**AMENDMENT AND RESPONSE TO FINAL  
OFFICE ACTION MAILED DECEMBER 26, 2003**

Sir:

In response to the Final Office Action mailed December 26, 2003, please amend the above-referenced patent application by canceling allowable claims 15 and 25 without prejudice, and amending claims 8, 16, 21 and 29 as shown in the listing of claims annexed hereto after the REMARKS section.